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महाराष्ट्र शासन राजपत्र
असाधारण भाग आठ

वर्ष ३, अंक ३१(३)] गुरुवार, ऑगस्ट १८, २०११/श्रावण २७, शके १९३३ [पृष्ठे १९, किंमत : रुपये १४.००

असाधारण क्रमांक ८९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (*3*) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Second Amendment) Act, 2011 (Mah. Act No. XXXII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th August 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950.

Corporations (Second Amendment) Ordinance, 2011, on the 21st May 2011 ; Mah. Ord. XII of 2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. *(1)* This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 21st May 2011.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 16 of Bom. III of 1888.

2. In section 16 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as " the Mumbai Corporation Act"), after sub-section *(1)*, the following sub-section shall be inserted, namely :— Bom. III of 1888.

"*(1-1A)* If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification. ".

3. Section 36 of the Mumbai Corporation Act shall be re-numbered as sub-section *(1)* thereof ; and,— Amendment of section 36 of Bom. III of 1888.

(a) in sub-section *(1)*, as so re-numbered, for clause *(t)*, the following clause shall be substituted, namely :—

"*(t)* the Commissioner or where the Commissioner is unable to attend owing to absence or illness or for any other reasonable cause, an officer not below the rank of the Deputy Commissioner, shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a Councillor, and with the permission of the Mayor, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon or to make any proposition at such meeting. Where the Commissioner, or any such officer desires to make a statement or explanation of facts at a meeting and the permission as aforesaid is not given, the Commissioner or any such officer shall be entitled to lay a copy thereof on the Table of the House. But when required by the corporation or the Mayor, the Commissioner shall himself attend the meeting of the corporation, unless he is prevented from doing so on account of absence, illness or any other reasonable cause;";

(b) after sub-section *(1)*, as so re-numbered, the following sub-section shall be added, namely :—

"*(2)* Where, any proposal of the Commissioner requires sanction or approval of the corporation, the corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.".

4. In section 37 of the Mumbai Corporation Act, after sub-section *(7)*, the following sub-section shall be added, namely :— Amendment of section 37 of Bom. III of 1888.

"*(8)* The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.".

Insertion of sections 53A and 53B in Bom. III of 1888.

5. After section 53 of the Mumbai Corporation Act, the following sections shall be inserted, namely :—

Exercise of powers and discharge of duties of any committee by corporation.

" **53A.** If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Removal of Chairman or Deputy Chairman of committees.

53B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the committee as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under this section shall not affect his continuance as a Councillor for the remainder term of his office.".

Amendment of section 60A of Bom. III of 1888.

6. In section 60A of the Mumbai Corporation Act, sub-section *(3)* shall be deleted.

Amendment of section 60D of Bom. III of 1888.

7. In section 60D of the Mumbai Corporation Act, sub-section *(2)* shall be deleted.

Amendment of section 64 of Bom. III of 1888.

8. In section 64 of the Mumbai Corporation Act, after sub-section *(3)*, the following sub-section shall be inserted, namely :—

"*(3A)* Where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the

Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and a report to that effect shall be made by the Commissioner to the corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.".

9. In section 69 of the Mumbai Corporation Act, in clause *(c)*,— Amendment of section 69 of Bom. III of 1888.

(a) for the words " ten lakhs but not exceeding rupees fifteen lakhs " the words "fifty lakhs but not exceeding rupees seventy-five lakhs" shall be substituted;

(b) for the words "excess of fifteen lakh rupees" the words "excess of seventy-five lakhs rupees" shall be substituted;

(c) before the first proviso, the following proviso shall be inserted, namely :—

"Provided that, every contract made by the Commissioner involving an expenditure exceeding five lakhs rupees and not exceeding seventy-five lakhs rupees shall be reported by him within fifteen days after the same has been made to the Standing Committee:";

(d) in the first proviso,—

(i) for the words " Provided that " the words " Provided further that " shall be substituted;

(ii) for the words "one crore rupees" the words "seven crore fifty lakhs rupees" shall be substituted;

(e) in the second proviso,—

(i) for the words "Provided further that" the words and figures "Provided also that, notwithstanding anything contained in section 64, " shall be substituted ;

(ii) the following *Explanation* shall be added, namely :—

"*Explanation*.—For the purposes of this clause, the period of "thirty days from the receipt" shall be reckoned from the date of the meeting of the standing committee held immediately after the proposal is received in the office of the Municipal Secretary whether the item pertaining to such proposal is taken on the agenda of such meeting or not.".

10. In section 70 of the Mumbai Corporation Act, in sub-section *(2)*,— Amendment of section 70 of Bom. III of 1888.

(a) for the words " two members of the standing committee " the words "any two persons from amongst any two members of the standing committee, Municipal Secretary and any officer, not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner" shall be substituted;

(b) for the words " the said two members of the standing committee " the words " the said two persons " shall be substituted;

(c) for the words " the said members " the words " the said two persons " shall be substituted;

(d) in the proviso, the words " in lieu of two members of the standing committee " shall be deleted.

Amendment of section 72 of Bom. III of 1888.

11. In section 72 of the Mumbai Corporation Act,—

(*1*) in sub-section *(1)*,—

(a) for the words "fifty thousand rupees" the words "three lakhs rupees" shall be substituted ;

(b) the following proviso shall be added, namely :—

"Provided that, the notice of any tender for contract not exceeding the amount of three lakhs rupees shall be uploaded on the official website of the corporation.";

(2) in the marginal note, for the letters and figures "Rs. 50,000" the words " three lakhs rupees" shall be substituted.

Insertion of section 106A in Bom. III of 1888.

12. After section 106 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Restrictions on utilisation of funds created by corporation.

" **106A.** Notwithstanding anything contained in section 106, except with the prior approval of the State Government, neither any internal loan shall be taken by the corporation from any of the funds created by the corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the corporation .".

Amendment of section 122 of Bom. III of 1888.

13. In section 122 of the Mumbai Corporation Act, in sub-section *(1)*, after the words "public securities" the words "or in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India" shall be added.

Insertion of section 129A in Bom. III of 1888.

14. After section 129 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Estimates of expenditure and income deemed to be budget estimates.

"**129A.** Notwithstanding anything contained in this Act, if for any reason the corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the statement of expenditure and income prepared by the Commissioner under section 125 shall be deemed to be the budget estimates for the year until the corporation duly adopts the budget estimates as per the provisions of this Act.".

Amendment of section 520B of Bom. III of 1888.

15. In section 520B of the Mumbai Corporation Act, in sub-section *(1)*, after the words "against the interests of the public" the words "or is likely to be against the financial interests of the corporation or against the larger public interest" shall be inserted.

CHAPTER III

Amendments to the Bombay Provincial Municipal Corporations Act, 1949

Bom. LIX of 1949. **16.** In section 10 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section *(1)*, the following sub-section shall be inserted, namely :— Amendment of section 10 of Bom. LIX of 1949.

"*(1-1A)* If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification.".

17. In section 19 of the Provincial Corporations Act, after sub-section *(5)*, the following sub-section shall be added, namely :— Amendment of section 19 of Bom. LIX of 1949.

"*(6)* The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office:

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.".

Insertion of sections 35A and 35B in Bom. LIX of 1949.

18. After section 35 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Exercise of powers and discharge of duties of any committee by corporation.

"**35A.** If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Removal of Chairman and Deputy Chairman of committees.

35B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Chiarman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under the provisions of this section shall not affect his continuance as a Councillor for the remainder term of his office.".

Insertion of section 39A in Bom. LIX of 1949.

19. After section 39 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Appointment of Additional Municipal Commissi- oners.

"**39A**. *(1)* The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.".

20. In section 43 of the Provincial Corporations Act, for sub-section *(2)*, the following sub-section shall be substituted, namely :— Amendment of section 43 of Bom. LIX of 1949.

"*(2)* The Commissioner or an officer not below the rank of the Deputy Commissioner present on behalf of the Commissioner shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any Committee thereof and express his views in the meeting with the permission of the Mayor or the presiding authority of the Committee, but he shall not be entitled to vote or to make any proposition.".

21. In section 51 of the Provincial Corporations Act,— Amendment of section 51 of Bom. LIX of 1949.

(a) for sub-section *(4)*, the following sub-section shall be substituted, namely :—

"*(4)* No new posts of the officers and servants of the Corporation shall be created without the prior sanction of the State Government:

Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government.";

(b) for *Explanation*, the following *Explanation* shall be substituted, namely :—

"*Explanation.*— Any revision of pay scale or pay structure or grant of special pay, or grade, or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section *(4)*, to be the creation of a new post.".

22. In section 53 of the Provincial Corporations Act,— Amendment of section 53 of Bom. LIX of 1949.

(a) in sub-section *(1)*,—

(i) for the words "whose minimum monthly salary exclusive of allowances is or exceeds four hundred rupees" the words "to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner" shall be substituted ;

(ii) in the proviso, for the words "carrying a monthly salary of rupees four hundred or more exclusive of allowances" the words "to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner" shall be substituted;

(b) in sub-section *(3)*, in the second proviso, for the words "carrying a monthly salary of more than one hundred rupees exclusive of allowances" the words "carrying a salary equivalent to or higher in rank than the post of Clerk" shall be substituted.

Amendment of section 56 of Bom. LIX of 1949.

23. In section 56 of the Provincial Corporations Act, in sub-section *(1)*,—

(a) in the proviso,—

(i) for the words "whose monthly salary, exclusive of allowances exceeds one thousand rupees" the words "holding the post equivalent to or higher in rank than the post of the Assistant Commissioner" shall be substituted;

(ii) for the words "Standing Committee" the word "Corporation" shall be substituted ;

(b) after the proviso, the following *Explanation* shall be added, namely :—

"*Explanation.*—For the purposes of this section and section 53, a post shall be deemed to be of a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay in pay scale of former is at least equivalent to the later, but the maximum is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.".

Amendment of section 73 of Bom. LIX of 1949.

24. In section 73 of the Provincial Corporations Act,—

(a) for clause *(c)*, the following clause shall be substituted, namely:—

"*(c)* no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which will involve an expenditure exceeding rupees twenty-five lakhs but not exceeding rupees fifty lakhs shall be made by the Commissioner, unless the same is previously approved by the Mayor. However, the total amount of all contracts approved by the Mayor shall not exceed rupees two crores and fifty lakhs during a year. Subject to the above, for any contract which involves an expenditure in excess of rupees twenty-five lakhs, the previous approval of the Standing Committee shall be necessary :

Provided that, notwithstanding anything contained in Schedule 'D', in Chapter II, in rule 3, in clause *(k)*, where the approval of the Standing Committee is sought by the Commissioner for any contract, the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf within fifteen days reckoned from the date of the meeting of the Standing Committee held immediately after the proposal is received by it, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the approval to such contract shall be deemed to have been given by the Standing Committee

and a report to that effect shall be made by the Commissioner to the Corporation.";

(b) in clause *(d)*,—

(i) for the words "fifty thousand" the words "five lakhs" shall be substituted ;

(ii) for the words "ten lakhs" the words "twenty-five lakhs" shall be substituted.

Amendment of section 79 of Bom. LIX of 1949.

25. In section 79 of the Provincial Corporations Act, in clause *(g)*, after the words "to a co-operative society of slum-dwellers", the following shall be inserted, namely:—

"or to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes or to a public trust exclusively for medical and educational purposes registered under the Bombay Public Trusts Act, 1950; or to a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 1956 or any person for the purposes of the provision of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious or other filthy matters or garbages ".

Bom. XXIX of 1950. XXI of 1860. Mah. XXIV of 1961. I of 1956.

Amendment of section 92 of Bom. LIX of 1949.

26. In section 92 of the Provincial Corporations Act, in sub-section *(1)*, after the words " public securities" the words "or in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India" shall be added.

Insertion of section 100A in Bom. LIX of 1949.

27. After section 100 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Estimates of income and expenditure deemed to be budget estimates.

"**100A.** Notwithstanding anything contained in this Act, if for any reason the Standing Committee has not laid budget estimates before Corporation, due to which or otherwise the Corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the estimates of income and expenditure prepared by the Commissioner under section 95 shall be deemed to be the budget estimates for the year until the Corporation duly adopts the budget estimates as per the provisions of this Act.".

Insertion of section 109A in Bom. LIX of 1949.

28. After section 109 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Restrictions on utilisation of funds created by Corporation.

" **109A.** Notwithstanding anything contained in section 109, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation.".

Amendment of section 451 of Bom. LIX of 1949.

29. In section 451 of the Provincial Corporations Act, in sub-section *(1)*, after the words " against the interests of the public, " the words " or is likely to be against the financial interests of the Corporation or against larger public interest," shall be inserted.

Amendment of Chapter II of Schedule 'D' of Bom. LIX of 1949.

30. In Schedule 'D' of the Provincial Corporations Act, in Chapter II,—

(a) in rule 1, after clause *(r)*, the following clause shall be added, namely :—

" *(s)* where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force. ";

(b) in rule 3, after clause *(j)*, the following clause shall be added, namely : —

" *(k)* where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing

which the sanction or approval to such proposal shall be deemed to have been given by such committee and the report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.".

Amendment of Chapter V of Schedule 'D' of Bom. LIX of 1949.

31. In Schedule 'D' of the Provincial Corporations Act, in Chapter V,—

(a) in rule 1, in sub-rule *(2)*,—

(i) for the words " two members of the Standing Committee " the words " any two persons from amongst any two members of the Standing Committee, Municipal Secretary and any officer not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner " shall be substituted ;

(ii) after the words " every contract or other instrument " the words " other than contract relating to the acquisition of immovable property or interest therein or a right thereto " shall be inserted;

(iii) for the words " the said two members of the Standing Committee " the words " the said two persons " shall be substituted ;

(iv) for the words " the said members " the words " the said two persons " shall be substituted ;

(b) in rule 2, in sub-rule *(1)*,—

(i) for the words " three thousand " the words " two lakhs " shall be substituted ;

(ii) the following proviso shall be added, namely :—

" Provided that, the notice of any tender for contract below the amount of two lakhs rupees shall be uploaded on the official website of the Corporation.".

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P. and Berar II of 1950.

Amendment of section 15 of C.P. and Berar II of 1950.

32. In section 15 of the City of Nagpur Corporation Act,1948 (hereinafter, in this Chapter, referred to as " the Nagpur Corporation Act "), after sub-section *(1)*, the following sub-section shall be inserted, namely :—

"*(1-1A)* If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as

the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification.".

Amendment of section 20 of C.P. and Berar II of 1950.

33. In section 20 of the Nagpur Corporation Act, after sub-section *(7)*, the following sub-section shall be added, namely :—

"*(8)* The Mayor or Deputy Mayor may be removed from office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.".

Amendment of section 25 of C.P. and Berar II of 1950.

34. In section 25 of the Nagpur Corporation Act, in sub-section *(2)*, for the word "Commissioner" the words "the Chairman of the Standing Committee" shall be substituted.

Insertion of section 35A in C.P. and Berar II of 1950.

35. After section 35 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Meetings of Standing Committee.

"**35A.** There shall be a meeting of the Standing Committee at least once in a week and at such other time as shall be found necessary.".

Insertion of section 38-1A in C.P. and Berar II of 1950.

36. After section 38 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

"38-1A. (1) Where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government. Deemed sanction.

(2) Where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and a report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval under sub-section (1) or (2) shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.".

37. After section 40 of the Nagpur Corporation Act, the following section shall be inserted, namely:— Insertion of section 40A in C.P. and Berar II of 1950.

"40A. Frequency of the meetings of the Special Consultative Committees and Special Committees, submission of reports and other matters before such committees shall be regulated in the manner as may be prescribed.". Meetings of Special Consultative Committees and Special Committees and submission of reports.

38. After section 43 of the Nagpur Corporation Act, the following sections shall be inserted, namely :— Insertion of sections 43A and 43B in C.P. and Berar II of 1950.

"43A. If, any committee or Special Committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties. Exercise of powers and discharge of duties of any committee by Corporation.

Removal of Chairman and Deputy Chairman of committees.

43B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the committee as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under this section shall not affect his continuance as a Councillor for the remainder term of his office.".

Insertion of section 48A in C.P. and Berar II of 1950.

39. After section 48 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Appointment of Additional Municipal Commissioners.

"48A. *(1)* The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.".

Amendment of section 49 of C.P. and Berar II of 1950.

40. In section 49 of the Nagpur Corporation Act, in sub-section *(1)*, after the words " Deputy Municipal Commissioner " the words " and Assistant Municipal Commissioner " shall be inserted.

Amendment of section 50 of C.P. and Berar II of 1950.

41. In section 50 of the Nagpur Corporation Act,—

(1) in sub-section *(1)*,—

(a) the words " the maximum salary of which exceeds one thousand rupees per month " shall be deleted ;

(b) before the existing proviso, the following proviso shall be inserted, namely :—

"Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government :";

(c) in the existing proviso,—

(i) for the words "Provided that" the words "Provided further that" shall be substituted ;

(ii) in clause (1), for the words "whose minimum monthly salary is not less than six hundred rupees" the words "to the posts equivalent to or higher than the post of the Assistant Commissioner" shall be substituted ;

(iii) clause (2) shall be deleted ;

(iv) after clause (4), the following *Explanation* shall be inserted, namely :—

"*Explanation*.—Any revision of pay scale or pay structure or grant of special pay, or grade or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section (1), to be the creation of a new post.";

(2) after sub-section (3), the following *Explanation* shall be added, namely:—

"*Explanation*.— For the purposes of this section, a post shall be deemed to be of a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay scale of former is at least equivalent to the later, but the maximum pay is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalant to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.".

42. After section 51 of the Nagpur Corporation Act, the following section shall be inserted, namely :— Insertion of section 51A in C.P. and Berar II of 1950.

"**51A.** (1) There shall be a Staff Selection Committee consisting of the Commissioner or any other officer designated by him in this behalf, the Municipal Chief Auditor, the Head of the Department concerned and one officer nominated by the Commissioner. Constitution of Staff Selection Committee.

(2) The Staff Selection Committee shall, in the manner prescribed select candidates for all appointments in the municipal service other than appointments referred to in sub-section (1) of section 53 and other than those which the Corporation may, with the previous approval of the State Government, by order specify in this behalf, unless it is proposed to fill the post from amongst persons already in

the municipal service fulfilling the eligibility criteria, of age, qualification and experience, or unless the appointment is of a temporary character and is not likely to last for more than six months.

(3) Every authority competent to make appointments in the municipal service shall make appointments of the candidates so selected in accordance with the directions given by the Staff Selection Committee.".

Amendment of section 53 of C.P. and Berar II of 1950.

43. In section 53 of the Nagpur Corporation Act, in sub-section *(2)*, the proviso shall be deleted.

Amendment of section 63 of C.P. and Berar II of 1950.

44. In section 63 of the Nagpur Corporation Act,—

(a) in clause *(c)*,—

(i) for the words " ten lakhs " the words " twenty-five lakhs " shall be substituted ;

(ii) for the words " fifteen lakhs ", at both the places where they occur, the words " fifty lakhs " shall be substituted ;

(iii) for the words " one crore " the words " two crores and fifty lakhs " shall be substituted ;

(iv) in the proviso, for the words " the Standing Committee shall " the words, brackets, figures and letter " notwithstanding anything contained in sub-section (2) of section 38-1A, the Standing Committee shall " shall be substituted ;

(v) after the proviso, the following *Explanation* shall be added, namely :—

"*Explanation*.—For the purposes of this clause, the expression "date of receipt" means the date of the meeting of the Standing Committee held immediately after the proposal is received in the office of the Municipal Secretary whether the item pertaining to such proposal is taken on the agenda of such meeting or not." ;

(b) in clause *(d)*, for the words " two lakhs rupees but not exceeding ten lakhs rupees" the words " five lakhs rupees but not exceeding twenty-five lakhs rupees" shall be substituted.

Amendment of section 64 of C.P. and Berar II of 1950.

45. In section 64 of the Nagpur Corporation Act,—

(1) in sub-section *(1)*,—

(a) for the words "fifty thousand" the words "two lakhs" shall be substituted ;

(b) the following proviso shall be added, namely :—

"Provided that, the notice of any tender for contract not exceeding the amount of two lakhs rupees shall be uploaded on the official website of the Corporation." ;

(2) in the marginal note, for the words "fifty thousand" the words "two lakhs" shall be substituted.

46. In section 83 of the Nagpur Corporation Act, after the words " public securities as the State Government may prescribe in this behalf " the words "or may be invested in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India" shall be added. Amendment of section 83 of C.P. and Berar II of 1950.

47. After section 90 of the Nagpur Corporation Act, the following section shall be inserted, namely:— Insertion of section 90A in C.P. and Berar II of 1950.

" **90A.** Notwithstanding anything contained in section 90, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation.". Restrictions on utilisation of funds created by Corporation.

48. In section 407 of the Nagpur Corporation Act, in sub-section *(1)*, after the words "damage to Municipal funds," the words "or is likely to be against the financial interests of the Corporation or against the larger public interest," shall be inserted. Amendment of section 407 of C.P. and Berar II of 1950.

Mah Ord. XII of 2011. **49.** *(1)* The Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2011 is hereby repealed. Repeal of Mah. Ord. XII of 2011 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950.

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